



General Assembly

February Session, 2000

Raised Bill No. 5023

LCO No. 602

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

An Act Concerning Emergency Possession Of And Involuntary Termination Of The Parent-Child Relationship.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) In making a decision on a petition to terminate
2 parental rights filed in the Court of Probate under section 45a-715 of
3 the general statutes or filed in the Superior Court under section 17a-
4 112, of the general statutes, as amended, or transferred to the Superior
5 Court from the Court of Probate under said section 17a-112 of the
6 general statutes, the court may order termination if the court finds by
7 clear and convincing evidence that (1) it is in the best interests of the
8 child and (2) that the parent has:

9 (a) Voluntarily left the child alone or in the possession of another
10 not the parent and expressed an intent not to return;

11 (b) Voluntarily left the child alone or in the possession of another
12 not the parent without expressing an intent to return, without
13 providing for the adequate support of the child and remained away for
14 a period of at least three months;

15 (c) Voluntarily left the child alone or in the possession of another
16 without providing adequate support of the child and remained away
17 for a period of at least six months;

18 (d) Knowingly placed or knowingly allowed the child to remain in
19 conditions or surroundings which endanger the physical or emotional
20 well-being of the child;

21 (e) Engaged in conduct or knowingly placed the child with persons
22 who engaged in conduct which endangers the physical or emotional
23 well-being of the child;

24 (f) Failed to support the child in accordance with the parent's ability
25 during a period of one year ending within six months of the date of the
26 filing of the petition;

27 (g) Abandoned the child without identifying the child or furnishing
28 means of identification, and the child's identity cannot be ascertained
29 by the exercise of reasonable diligence;

30 (h) Voluntarily, and with knowledge of the pregnancy, abandoned
31 the mother of the child beginning at a time during her pregnancy with
32 the child and continuing through the birth, failed to provide adequate
33 support or medical care for the mother during the period of
34 abandonment before the birth of the child and remained apart from the
35 child or failed to support the child since the birth;

36 (i) Contumaciously refused to submit to a reasonable and lawful
37 order of a court under any health or safety provision of the general
38 statutes;

39 (j) Been the major cause of:

40 (1) The failure of the child to be enrolled in school; or

41 (2) The child's absence from the child's home without the consent of
42 the parents or guardian for a substantial length of time or without the

43 intent to return;

44 (k) Executed before or after the suit is filed an unrevoked or
45 irrevocable affidavit of relinquishment of parental rights;

46 (l) Been convicted or has been placed on community supervision,
47 for being criminally responsible for the death or serious physical injury
48 of a child under the following sections of the general statutes or
49 adjudicated as a delinquent for conduct that caused the death or
50 serious physical injury of a child and that would constitute a violation
51 of sections 53a-54a, 53a-54b, 53-21, 53a-59, 53a-60, 53a-70, 53a-71, 53a-
52 70a, 53a-59a, 53a-73a, 53a-196a, 53a-196b, 53a-196c or 53a-196d of the
53 general statutes.

54 (m) Had his or her parental rights terminated with respect to
55 another child based on a finding that the parent's conduct was in
56 violation of subsection (d) or (e) of this section or substantially
57 equivalent provisions of the law of another state;

58 (n) Constructively abandoned the child who has been in the
59 permanent or temporary custody of the Department of Children and
60 Families or an authorized agency for not less than six months and:

61 (1) The department or authorized agency has made reasonable
62 efforts to return the child to the parent;

63 (2) The parent has not regularly visited or maintained significant
64 contact with the child; and

65 (3) The parent has demonstrated an inability to provide the child
66 with a safe environment;

67 (o) Failed to comply with the provisions of a court order that
68 specifically established the actions necessary for the parent to obtain
69 the return of the child who has been in the permanent or temporary
70 care of the Department of Children and Families for not less than nine
71 months as a result of the child's removal from the parent for the abuse

72 and neglect of the child;

73 (p) Used a controlled substance, as defined in section 21a-240 of the
74 general statutes:

75 (1) In a manner that endangered the health or safety of the child,
76 and failed to complete a court-ordered substance abuse treatment
77 program; or

78 (2) Repeatedly, after completion of a substance abuse treatment
79 program ordered by a court, in a manner that endangered the health or
80 safety of the child;

81 (q) Knowingly engaged in criminal conduct that results in the
82 parent's imprisonment and inability to care for the child for not less
83 than two years from the date of filing the petition;

84 (r) Been the cause of the child being born addicted to alcohol or a
85 controlled substance, other than a controlled substance legally
86 obtained by prescription; or

87 (s) Voluntarily delivered the child to an emergency medical services
88 provider under section 2 of this act without expressing an intent to
89 return for the child.

90 Sec. 2. (NEW) (a) As used in sections 2 to 4, inclusive, of this act,
91 "emergency medical services provider" or "provider" means a person
92 who uses or maintains emergency medical services vehicles, medical
93 equipment and emergency medical service personnel, licensed under
94 chapter 368d of the general statutes, to provide emergency medical
95 services.

96 (b) An emergency medical services provider shall without a court
97 order take possession of a child who is thirty days old or younger if the
98 child is voluntarily delivered to the provider by the child's parent and
99 the parent did not express an intent to return for the child.

100 (c) An emergency medical services provider who takes possession
101 of a child under this section shall perform any act necessary to protect
102 the physical health of the child.

103 Sec. 3. (NEW) (a) Not later than the close of the first business day
104 after the date on which an emergency medical services provider took
105 possession of a child under section 2 of this act, such provider shall
106 notify the Department of Children and Families of such possession.

107 (b) The department shall assume the care and control of the child
108 immediately upon receipt of notice under subsection (a) of this section.

109 (c) Any child in the care and control of the department under the
110 provisions of this section shall be considered to be in the custody of the
111 department.

112 Sec. 4. (NEW) It shall be an affirmative offense to a prosecution for
113 abandonment under section 53-21 of the general statutes that the
114 person voluntarily delivered the child to an emergency medical
115 services provider under section 3 of this act.

Statement of Purpose:

To provide for involuntary termination of parental rights in certain circumstances.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]